



# City of Carmel

## BOARD OF ZONING APPEALS

April 22, 2002

The regular scheduled meeting was held at 7:00 PM in the Council Chambers of Carmel City Hall on April 22, 2002. Those members in attendance: Leo Dierckman, Michael Mohr, Earlene Plavchak, Pat Rice, and Charles Weinkauff, thereby establishing a quorum.

Department of Community Services Staff in attendance: Director Michael Hollibaugh; Laurence Lillig, Jon Dobosiewicz, Kelli Lawrence, Adrienne Keeling, Code Enforcement Officer, and Jim Blanchard, Deputy Building Commissioner. John Molitor, Legal Counsel, was also present.

John Molitor reported there were no additional items of interest in regard to the pending litigation. He distributed copies of proposed amendments to the Board's Rules of Procedure, which would accommodate the new procedure that was enacted last year for Hearing Officers to hear Development Standards Variances.

Laurence Lillig reported that in addition to the one item appearing on the Agenda as Tabled, Item 7h, Smokey Ridge, Section 3, Lot 63 (V-17-02) would be heard at next month's meeting.

### H. Public Hearing:

#### 1h. *This Item Currently Tabled at Petitioner's Request:*

##### **WTF - Sprint Spectrum (A-97-01)**

Appellant (an Interested Party) wishes to appeal the decision of the Director regarding the collocation of a WTF antenna on an existing private radio tower.

The site is located at 1388 Queen's Way. The site is zoned S-1/Residence – Very Low Density.

Filed by J. Taggart Birge of Bose McKinney & Evans for Richard Deer.

#### 2h. **Simeon Hawkins' Addition, Lot 1(part) - 2(part) (V-8-02)**

Petitioner seeks approval of a Developmental Standards Variance of *Section 27.5: Amount of Parking Spaces Required* in order to establish a mixed-use office/retail with zero (0) on-site parking spaces.

The site is located at 38 West Main Street. The site is zoned B-1/Business within the Old Town Overlay Zone.

Filed by Greg S. Mink of Mink Investments, LLC.

Present for Petitioner: Greg Mink, 12557 Branford Street, Carmel, and office, 503 W. Carmel Drive, Carmel, IN. Request is for a Variance to allow zero on-site parking spaces.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared and the public hearing was closed.

Department Recommendation: Favorable consideration. Laurence Lillig reported the building has legal pre-existing non-conforming use in the Old Town District.

Chuck Weinkauff moved for approval of **Simeon Hawkins' Addition, Lot 1(part) - 2(part) (V-8-02)**. The motion was seconded by Leo Dierckman and **APPROVED 5-0**.

Laurence Lillig reported **V-18-02, V-19-02, V-20-2, and V-21-02 Lakes at Hazel Dell Sec 1 Common areas 4a and 6** that were noticed for the current meeting (not on the Agenda) will be heard at the June meeting.

3h. **Merchants' Pointe, Lot 2 – O'Charley's (V-9-02)**

Petitioner seeks approval of a Developmental Standards Variance of *Section 25.7.02-8(b)* in order to install a wall identification sign on a façade without frontage on a public street.

The site is located at 2293 East 116<sup>th</sup> Street. The site is zoned B-8/Business.

Filed by Susan Seymour of Bell Signs, Inc., for O'Charley's, Inc.

Present for Petitioner: Kevin Pierce, 703 S. Warren St., Brazil, IN representing Bell Signs, Inc., for O'Charley's Inc. Third identification sign would be on side elevation pointing toward AAA Way, rather than the rear of the building.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared and the public hearing was closed.

Department Recommendation: Negative consideration. The variance for the third identification sign was granted for the west side of the building. This third sign would face 116<sup>th</sup> Street, because there is another lot between O'Charley's and AAA Way.

Chuck Weinkauff moved for approval of **Merchants' Pointe, Lot 2 – O'Charley's (V-9-02)**. The motion was seconded by Leo Dierckman and **DENIED 0-5**.

4-5h. **Turkle Tract (V-14-02; V-15-02)**

Petitioner seeks the following Developmental Standards Variances:

*V-14-02*            ZO 2.4: Lots            30 feet at the right-of-way line

*V-15-02*            ZO 25.1.2            Accessory building forward of Principal building

The site is located at 3665 West 106<sup>th</sup> Street. The site is zoned S-1/Residence – Very Low Density.

Filed by David R. Barnes of Weihe Engineering for Rick Harding, Ltd.

Present for petitioner: Dave Barnes, Weihe Engineers. The site is four parcels with new home being built in center of site in the place of existing house. Accessory building is a structurally sound two-car garage. Frontage on 106<sup>th</sup> Street is 30 feet and they cannot obtain any additional frontage.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared and the public hearing was closed.

Department Recommendation: Favorable Recommendation. The property represents four non-conforming parcels. The petitioner is going to be reducing from four to two non-conformities and not increasing the intensity of the project by removing the one house and building a new one.

Chuck Weinkauff moved for approval of **Turkle Tract V-14-02**. The motion was seconded by Pat Rice and **APPROVED 5-0**.

Chuck Weinkauff moved for approval of **Turkle Tract V-15-02**. The motion was seconded by Pat Rice and **APPROVED 5-0**.

6h. **Stout Pond (SU-16-02)**

Petitioner seeks Special Use approval in order to expand an Artificial Pond.

The site is located at 12411 Towne Road. The site is zoned S-1/Residence - Estate.

Filed by Michael G. & Shelley L. Stout.

Present for petitioner: Mike Stout, 609 Hampshire Ct, Carmel, IN. The expanded pond is part of the drainage plan for the property.

Remonstrance:

Bill Dison, 12511 Towne Road, spoke in favor of the pond. The pond will enhance drainage in this wetland area.

Department Recommendation: Favorable Recommendation. Pond will have minimal effect on the proposed thoroughfare plan.

Michael Mohr then closed the public hearing.

Chuck Weinkauff questioned the safety of the pond.

Mr. Stout responded that the Surveyor's Department and Soil and Water Conservation recommended the pond slope 5:1, reducing the risk of children quickly getting in over their heads.

Leo Dierckman moved for approval of **Stout Pond (SU-16-02)**. The motion was seconded by Pat Rice and **APPROVED 5-0**.

7h. **Smokey Ridge, Section 3, Lot 63 (V-17-02)**

Petitioner seeks approval of a Developmental Standards Variance of *Section 25.9: Drainage* in order to allow a swimming pool to encroach into a platted Drainage Easement.

The site is located at 13719 Smokey Ridge Overlook. The site is zoned R-1/Residence.

Filed by Marjorie A. Mikels of Pools of Fun for Thomas A. & Melinda Endicott.

TABLED TO MAY MEETING

8h. **Irsay Helipad (SU-22-02)**

Petitioner seeks Special Use approval in order to establish a Private Helicopter Landing Facility.

The site is located at 1711 West 116<sup>th</sup> Street. The site is zoned S-1/Residence - Very Low Density.

Filed by Philip A. Nicely of Bose McKinney & Evans for James & Margaret Irsay.

Present for Petitioner: Philip Nicely, attorney, 600 East 96<sup>th</sup> Street; Steve Granner, Bose McKinney & Evans office; Jim Irsay, owner; Dan Luther, General Counsel of Indianapolis Colts; Greg Ralston, pilot of helicopter.

Mr. Nicely reported the helicopter is owned by the Colts organization and is used for scouting and recruiting trips that would take two to four hours by car. Secondly, it is used for various philanthropic activities. Third, it is used some for Mr. Irsay's personal activities. It is not used for taking Mr. Irsay back and forth to work. The helicopter is an effective vehicle for the Colts organization and Mr. Irsay. The helipad is 245 feet from the closest property. Request is for periodic landings and take-offs.

Proposed restrictions of use:

No flying in or out prior to 8:00 AM or after 10:00 PM.

Use limited to 8 round trips per month.

This is a permitted use in the S-1 classification, but does require the Special Use. It is clearly consistent with the character and permitted land use of the S-1 zoning district. This use is an accessory to the existing use and is appropriate periodic activity for estate properties. The helicopter is not stored on the property.

Jim Irsay, 1711 West 116<sup>th</sup> Street, Carmel, IN. He understands what it is to be a good neighbor. His code is to treat people they way you want to be treated. He appreciates everyone hearing what he has to say. He will remain a friendly neighbor regardless of how this goes.

Packets were passed out to the Board with written commitments and letters from Crooked Stick residents Don Marsh and Michael Browning and the Never Too Late Organization.

Video of helicopter landing and departing was shown.

Remonstrance:

Opposed:

Organized Remonstrance:

Richard McBroom, 10770 Crooked Stick Lane, President of Crooked Stick Golf Club. The majority of the membership is opposed to any helicopter use in the golf course area. A helicopter in the area is loud, presents safety issues and is a nuisance.

Individuals:

Blake Neubauer, 1801 W. 116<sup>th</sup> Street. Presented twenty-four (24) signed statements in opposition to disruptive noise, safety, and impact on environment.

Tom Hession, 10850 Crooked Stick Lane, stated there have been a number of occasions when the helicopter has flown in late at night and woke the family from vibration and noise. His house is in the southern flight path.

Lizette Wallack, 1518 Prestwick Circle. Area is not on City water and no water is available in case of accident/fire.

Craig Shibert, 11361 Royal Court. Helipad is less than 100 yards from fifth fairway. Terry airport is close for transportation.

Barbara James, 1949 West 116<sup>th</sup> Street. It is extremely noisy. She does not believe S-1 zoning is for this type of helicopter.

Jean Chua, 11456 St. Andrew Lane. Last summer the helicopter scared her granddaughter and she no longer wants to go outside. Most families in her area have small children.

Greg Gilmore, 2063 St. Andrews Lane. He is concerned with setting a precedent for additional use or more frequent use of this helicopter and others. Rotors vibrate and shake the house.

Rebuttal:

Phil Nicely: With respect to the noise, the time will be limited to 8:00 AM-10:00 PM and the amount of days will be limited to 8 days per month, asking for 128 minutes per month. For this helicopter the decibels are 91, 92, and 93, which is less than ambulance siren, motorcycle, leaf blower, and car horn. This is a very safe and advanced piece of equipment. There is a retaining pond at the site for fire purposes at Mr. Irsay's house. This will not set a precedent because other properties in this area are not eleven-acre estates.

Department Report: Petitioner is seeking approval for an existing helipad. This is a Special Use and not a Use Variance and the criteria are different. The facility came to the Department's attention due to a number of complaints that were registered due to the disturbance caused by the helicopter. There are no outstanding issues with the site development. The determination tonight will hinge on the concerns of the neighboring property owners and whether they can be resolved. The Department feels the 10:00 PM should be changed to sunset. Eight round trips would be 16 take-offs and landings for pick up and drop off. The Department would like to see an annual report to the Director a part of the commitments to verify these commitments have been met. Differences in noise information provided by Mr. Nicely and Mr. Neubauer cannot be reconciled at this time. The Department hesitates to make a recommendation because of the noise impact. The Department needs to see which noise level report is more or less true. The Department would like to visit the site.

Mr. Nicely stated that the helicopter is maintained at the Indianapolis International Airport and does take off and land at the Colts facility. They have not explored using the Terry Airport.

Public hearing closed.

Chuck Weinkauff had questions for the pilot.

Craig Ralston, 9761 N. 125W, Fortville, IN, pilot.

Mr. Weinkauff asked if wind direction is an essential part of landing and taking off with a rotary wing aircraft, such as it is with a fixed-wing?

Mr. Ralston stated that typically you tip to make arrivals and departures into the wind.

Mr. Weinkauff asked if, in effect, landing and take off patterns would be predicated upon wind direction? Would it be essential to wind direction?

Mr. Ralston stated that it depends on the load on the aircraft. What they have done to try to minimize the noise is to make approaches out of the north over the fields and the roads and tried to make departures back out that way. If they are not heavily loaded, they can do that safely.

Mr. Weinkauff asked if the landing of this aircraft versus the taking off, allow you to come in and take off in such a way that you could minimize the specific pattern over the golf course or homes in the area?

Mr. Ralston stated that to minimize the noise effect, they try to make a steep approach and steep departure, which minimizes the footprint over the ground. The higher they are, the fewer footprints. They try to be cognizant of the noise of the aircraft.

Mrs. Rice questioned Mr. Lillig to explain how the helipad is a permissible use in an S-1 zone and the noise decibel level.

Mr. Lillig stated this has been a Special Use within the S-1 district as long as the S-1 has existed. City Code, not Zoning Ordinances, enforces the noise ordinance.

Mr. Mohr stated aircraft are excluded from the Noise Ordinance.

Mrs. Plavchak asked about other helipads in the area.

Conseco has the only other helipad in Carmel and it is for sale.

Mr. Nicely stated it would be very expensive to buy the Conseco helipad and the surrounding parcel.

Mr. Dierckman had questions for Mr. McBroom. He wanted to know if a formal survey of the membership had been taken or how was it determined that the majority of the membership opposed the helipad?

Richard McBroom, 10770 Crooked Stick Lane, Crooked Stick Golf Club President. They did not conduct a formal poll of the membership, but would be more than happy to do that. In a private club, with a Board of Directors, they can get the temperature for anything. There is no question that a majority of the people that play golf are not interested in having the helicopter in the immediate area. It is disruptive, it comes over the fourth and fifth fairways, and it's noisy.

Mr. Dierckman wanted to know if there was any way that this would be acceptable on a limited basis.

McBroom stated they could survey the 240 members and look at the guidelines.

Mrs. Rice wanted to know if the video represented a typical take-off and landing at the Irsay property and where was this video filmed?

Mr. Nicely stated this represented a typical take-off and landing and was filmed at the Colts complex.

Mr. Mohr stated that it is clear since they did not have a permit, they did not take off and land at the Irsay property.

Mr. Nicely stated it generally takes about 4 minutes for landing process and 4 minutes for take-off process.

Mrs. Plavchak asked if there is a neighborhood association for Crooked Stick.

Mr. Lillig was not aware of one.

Suzanne Lorber, 1522 Prestwick Lane stated there is a Crooked Stick Homeowners Association.

Jon Duke, 1489 Preston Trail, is President of the Crooked Stick Homeowners Association. He has received numerous phone calls opposed to a commercial helicopter.

Mr. Mohr asked if there was any room for compromise?

Mr. Duke did not know at this time.

Wayne Wilson, 24 Wilson Drive, Carmel, President of Carmel City Council and Chairman of the Land Use and Annexation Committee. The Land Use committee could make itself available to meet with Mr. Irsay and the Crooked Stick Homeowners and Golf Course to explore if there was any common ground.

Mr. Weinkauff asked why it is important that the corporate helicopter be used at Mr. Irsay's private residence?

Mr. Nicely stated it saves time for short trips.

Mr. Irsay stated that he lives in an ultra competitive business of getting players and coaches and they want to be the best. He tries to avoid taking off from the residence. He does not feel it is unsafe. The FAA has surveyed the situation and felt it is very safe.

Mr. Mohr asked Mr. Neubauer if he believed there was any room for compromise?

Mr. Neubauer stated he did not in a residential area.

Leo Dierckman moved to table **Irsay Helipad (SU-22-02)** for 30 days. The motion was seconded by Pat Rice and **APPROVED 4-1**. Earlene Plavchak casting the negative vote. **Irsay Helipad (SU-22-02)** tabled to May 28, 2002.

A five-minute break was taken at this time.

9h. **Martin Marietta Materials (UV-23-02)**

Petitioner seeks approval of a Use Variance of *Section 5.1: Permitted Uses* in order to establish a Sand and Gravel Processing Operation.

The site is located on the northeast corner of East 106<sup>th</sup> Street and Hazel Dell Parkway.

The site is zoned S-1/Residence - Low Density.

Filed by Thomas H. Engle of Barnes & Thornburg for Martin Marietta Materials, Inc.

10-13h. **Martin Marietta Materials (SU-24-02; SU-25-02; V-26-02; V-27-02)**

Petitioner seeks Special Use approval of a Sand and Gravel Extraction Operation and an Artificial Lake.

Petitioner seeks the following Developmental Standards Variances:

V-26-02      ZO 5.2.2: Other Requirements      150-foot setback

V-27-02      ZO 5.2.2: Other Requirements      100-foot setback

The site is located on the northwest corner of East 106<sup>th</sup> Street and Hazel Dell Parkway.

The site is zoned S-1/Residence - Low Density.

Filed by Thomas H. Engle of Barnes & Thornburg for Martin Marietta Materials, Inc.

Present for Petitioner: David Warshauer, Tom, Engle, Barnes & Thornburg. This is a different proposal than last year. These petitions are limited to a request for sand and gravel extraction and to move the existing processing plant, which is a legal nonconforming use, to a spot further from Kingswood. This is not a request for surface or underground mining of stone or an expansion of any blasting, either above or below ground. Spectra, a mining expert retained by DOCS, has reviewed the request and advised DOCS. Spectra's and DOCS' comments have been incorporated into the plans and commitments. Presentations and discussions have been held with Kingswood Homeowners Board and neighbors and issues have been resolved.

PowerPoint presentation of the Martin Marietta mining property and operation.

Before sand and gravel extraction process begins, a temporary eight foot berm will be built from overburden to establish a visual and noise barrier along the south side of Kingswood. It will



be inside a six-foot, black, chain-link fence and 60 feet south of the south line of Kingswood. The first twenty-five feet south of Kingswood will be landscaped according to the zoning ordinance. The substantial tree line will also remain. The berm will be removed when the mining is completed and the area reclaimed, so the lake will be visible. There will be a 60-foot buffer area when the fence and berm are removed. The mining process will continue for approximately 14 years. The dredge operates under water and there is minimal noise. Martin Marietta will comply with all State and Federal laws. Noise reduction practices will be used. Reclamation will expand the lake to approximately 130 acres.

Remonstrance:

Bill Wending, attorney, Campbell Kyle & Proffitt, representing Kingswood Homeowners Association. The homeowners association reached an agreement with Martin Marietta. The Board of the Kingswood Homeowners Association has worked with City of Carmel, DOCS, and Engineers from Spectra to review plans of Martin Marietta. They would like the operation limited to sand & gravel extraction by dredging only, rather than blasting. They request a copy of the landscape plan.

Opposition:

Bill Curry 11121 Bradbury Place. He did not know that the Homeowners Association had reached an agreement. He relied on the S-1 zoning for the open area. He had concerns about property values diminishing, not enough buffer, oil and gas spills into the aquifer near Carmelot Park affecting water quality and treatment cost, and finally, the decision on the variance south of Kingswood should be delayed until the City has drafted the proposed rules on mining within the City limits.

David Ezell, 5068 Huntington Drive, Kingswood. He was completely taken aback to hear that Kingswood Board has agreed to this. He was told Thursday that the Board was taking another position. There was apparently a meeting held on Friday that was closed to the homeowners, who haven't had much of a voice in anything that has been going on. Property values will diminish, houses will not sell, and land will be raped. They have not reclaimed the land. Forego ruling on this until the City Council has had an opportunity to act on the mining ordinance.

Bill Kincaid, 5000 Huntington Drive, Kingswood. Will there be blasting on the Mueller property? There is a need to establish better hours for removal of the overburden.

Tom Lange, 5048 St. Charles Place. There is nothing in writing to spell out details. Mining and reclamation ordinance would spell out steps to minimize environmental impact. Why are they in such a hurry before this mining ordinance is in place? Underground mining and blasting could occur at a later date. There is no firm timetable for completion. Concern for safety factor for children around the lake; impact on wildlife at Carmelot Park; quality of water of aquifer, legality of deeding property to adjacent homeowners.

David Bradford, 11232 Westminster Way. Blasting location at 96<sup>th</sup> Street shakes the house causing damage.

Brian Atkinson, 115 Whitehorse Lane, Fishers. The proposed site is adjacent to Hazel Dell Landing. He is concerned with safety and liability. Security fences/berms will not be permitted because of location in a floodway.

Marcus Freihofer, 11136 Bradbury Place. Blasting is loud. Mining & Reclamation Ordinance should come first; surface blasting is still a future possibility; requested tabling the petitions.

Michael Mohr polled audience, four more remonstrators.

Jeff Joliett, 11158 Bradbury Place, would like the overall character of Carmel considered. Proposal is out of character of Carmel.

Doug Harrison, 5088 St. Charles Place, zoning is residential and should remain. He would like to request more details about the berm. Planned hours of operation should be specific commitments. Fourteen years should not be an option. A timeline should be set. He requested Board reject proposal.

Larry Kane, 11268 Williams Court, proposal only deals with sand and gravel dredge and does not deal with underground mining and blasting that Martin Marietta will want to do in the future.

Mike Dedke, 5017 Kingswood Drive, stated property values will be lowered and there is no written evidence that there will be any land reclamation. The past reclamation lake and perimeters of their property are eyesores. He does not feel Martin Marietta representatives are trustworthy.

Rebuttal:

David Warshauer: We will not get 100% support, but we are further along than we were one year ago. We have worked toward a compromise solution. We have worked very hard with the Carmel DOCS, the attorney for the BZA and the DOCS representatives. There has been no evidence presented about diminution of property values. There was mining going on long before there were residences and people did buy the houses. This request is for a Special Use permitted under the S-1 zoning. The buffer is less (150 feet versus 300 feet) to insure permanent open space. A 300-foot buffer area could be developed as a subdivision at a later date.

Department Report: Laurence Lillig gave a favorable recommendation with three conditions. He stated the height of the berm is to be eight feet and there is a landscape plan in the works. Site visits made by the City have noted the noise from the dredge is minimal. The noise chiefly comes from the processing plant. The moving of the facility to the east side of Hazel Dell Parkway will greatly reduce the noise impact of the facility. First, the commitments proposed by the petitioner would be executed and recorded. Second, the petitioner submits landscape plans for the buffer yards adjacent to Kingswood. Third, the cross sections are revised to address the comments of the Hamilton County Surveyor's office and Soil and Water Conservation District regarding the slope to the water's edge and a safety ledge two feet below the water's surface. The Mining Overlay ordinance is still being worked on and these petitions will not replace it.

Kelli Lawrence explained the process for selecting the consultant, Spectra Environmental Group from Latham, NY.

Representative Of Spectra, Greg Sovas, VP of Governmental Affairs of Spectra Environmental Group, Latham, NY. He does not know of any long-term study that shows that mining diminishes property value. His company recommends that the first 50 feet would be given immediately to the adjacent homeowners for their exclusive use while the mining is taking place and that the berm would be put into place immediately for both noise and visual impact. They have come up with a comprehensive proposal that has Martin Marietta making a number of commitments.

Michael Mohr asked about the time frame for the Mining Overlay ordinance.

Kelli Lawrence stated later this summer would be a realistic time.

Michael Mohr asked of Mr. Wendling how the communication works between the Homeowners Board and the homeowners.

Bill Wendling stated his understanding was that not all Board members were in agreement with the decision that was presented tonight, but the Board was elected by the homeowners and they have the authority to speak for the homeowners.

Public hearing closed.

Pat Rice asked if the Kingswood's meeting was a closed meeting and is the President present?

Tom Yedlick, 5053 St. Charles Place, Kingswood Homeowners Association president, stated it was not an announced meeting or a public meeting. The board acted in what it felt was the best action and interest for homeowners in settling the legal action. Their objective was to have the discussion in a public forum.

Earlene Plavchak asked if this petition would be in conflict with the new Mining Overlay ordinance.

John Molitor responded that if the Board approves this Special Use petition, then that use would be permitted. Any expansion of the Special Use would have to conform to the Overlay ordinance.

Chuck Weinkauff asked if the Court ruled that the Mueller property is in an urban area.

Mr. Warshauer stated the judge did issue a preliminary ruling that the Mueller property was in an urban area and that consequently Martin Marietta would need zoning approval to operate.

Pat Rice motioned to table the petition until the ordinance that is being worked on is in place. Motion died for lack of a second.

Pat Rice exited the meeting at 11:35 PM.

Chuck Weinkauf questioned feeling pressured to act before May 1, so that the processing plant could be moved from the west side of Hazel Dell Parkway to the east side by May 1<sup>st</sup>.

Mr. Warshauer stated that Martin Marietta prefers not to move, it will be expensive, but it is part of the negotiations.

Chuck Weinkauf stated that he felt uncomfortable making a decision and would like to hear from more of the homeowners.

Michael Mohr agreed.

Leo Dierckman asked the practicality of that.

Chuck Weinkauf hoped that some of the homeowners would poll the neighborhood.

Earlene Plavchak stated that the people elected to the homeowners' board were elected to represent the whole group. What is the value of putting off the vote for another month?

Chuck Weinkauf wondered if the Board was truly elected to handle matters of that great of an importance.

Leo Dierckman would like to see the covenants or commitments of Kingswood to see if the Board has the authority to represent the homeowners in matters like this.

Earlene Plavchak moved to approve **SU 23-02**. The motion was seconded by Chuck Weinkauf. **Vote was 2-2**, with Weinkauf and Mohr casting negative votes. Petitioner will return to May meeting.

Petitioner volunteered to table to the May meeting the remaining petitions, accepted by the Board.

There was no Old Business to be heard on the April 22, 2002, agenda.

There being no further business to come before the Board, the meeting was adjourned at 12:05 AM.

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Michael Mohr, President

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Connie Tingley, Secretary